

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

ORDER RE: WITNESS PRECLUSION

vs.

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

On April 13, 2006, the Court granted defendant International Business Machines' ("IBM") motion to preclude plaintiff Ralph Miller from calling any person to testify or otherwise provide evidence in this action for whom he has not provided full and accurate contact details. Doc. #420. In its order, the Court ruled that Miller could not call any person to testify or otherwise provide evidence for whom he has not provided full and accurate details as required by FRCP 26(a)(1)(A) and this Court's February 6, 2006. On April 20, 2006, Miller filed the declarations of William F. Mueller and Byron C. Thompson, his counsel in this case, in response to the April 13 Order.

Upon review of Miller's declarations, the Court finds that good cause does not exist to modify its April 13 Order. However, if it is Miller's position that he supplied up-to-date contact information for any witness in response to the Court's February 6, 2006 Order (Doc. #315 at 4:23-27), he may present evidence from said witnesses in support of any dispositive motions or trial,

1 subject to IBM moving the Honorable Martin J. Jenkins, presiding judge in this matter, to preclude
2 the witness' testimony if IBM can show that Miller did not provide up-to-date contact information as
3 ordered. As the Court previously found, the October 2000 BCC contact list does not constitute up-
4 to-date contact information.

5 **IT IS SO ORDERED.**

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7 Dated: April 24, 2006



8 MARIA ELENA JAMES
9 United States Magistrate Judge
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